

# CLAIMS OF BRITISH COLUMBIA ON THE DOMINION GOVERNMENT

[140]

RETURN to an Address to His Excellency the Governor General of the 28th February, 1923, for a Return of all correspondence passing between the Prime Minister and the Honourable John Oliver, Premier of British Columbia, since January the 1st, 1923, having reference to claims of British Columbia on the Federal Government and other problems outstanding between the two Governments.

A. B. COPP,  
*Secretary of State.*

OTTAWA, March 13, 1923.

Honourable JOHN OLIVER,  
Premier of British Columbia,  
Victoria, B.C.

*Re Appeal of the Government of British Columbia and the Government of  
Alberta against Order of the Board of Railway Commissioners,  
dated June 30, 1922*

DEAR MR. OLIVER,—I regret that your letter of February 13th has not received an earlier acknowledgment. The delay has been due in part to my recent slight indisposition, but in the main to the difficulty of giving to your communication the further careful consideration, in conference with my colleagues in Council, which the importance of its contents seemed to warrant.

Your letter correctly states the views expressed by me to you at the time of the hearing accorded you by the members of the Government with respect to certain constitutional aspects of the railway rate problem.

The pressure of sessional and departmental duties renders it inevitable that while Parliament is in session is not an opportune time to present to the Cabinet a matter of such magnitude and importance as the railway rate case. It is the intention of the Government however, to arrange to hear the Appeal at as early a date, following the conclusion of the Session, as can conveniently be arranged for all parties concerned.

With respect to certain other matters of importance to the province of British Columbia to which you refer, and to your desire that they be considered immediately following the close of the hearing of the Appeal, unless such matters have been considered and disposed of in the mean time, I find on going over the paragraphs as set out in your letter, namely, 1 to 10, that paragraphs 6, 7 and 8 are essentially matters of provincial concern and these are now under departmental consideration.



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The other paragraphs, including 1, 2, 3, 4, 5, 9 and 10, refer to matters which, although no doubt of vital importance to the province of British Columbia, must necessarily be considered from the Canadian or national viewpoint, and most of these are now receiving the consideration of the Government with a view to finding a solution. Of the subjects mentioned, there are one or two which would appear to be matters primarily for the consideration of the President and Board of Directors of the Canadian National Railway, and one or two which could not very well be disposed of without opportunity of further conference with representatives of the other Provinces of the Dominion.

I can assure you that on your return visit to Ottawa, it will be a pleasure to my colleagues and myself to confer with you with respect to all the matters to which your letter refers, and to have the benefit of your representations and views. To this end, I shall endeavour, as you suggest, to arrange that these matters be taken up immediately after the close of the hearing of the Appeal and given such consideration as the circumstances will permit.

Looking forward to an opportunity of a further joint consideration of the several matters which are of so great concern to the Province of British Columbia as well as to the Dominion,

I am, yours very sincerely,

(Sgd.) W. L. MACKENZIE KING.

*Telegram*

OTTAWA, 10th January, 1923.

Honourable JOHN OLIVER,  
Victoria,  
British Columbia.

Am directed to inform you that hearing British Columbia Appeal shall be fixed at earliest possible date after consultation with you after your arrival at Ottawa.

(Sgd.) RODOLPHE BOUDREAU.

OTTAWA, February 9, 1923.

MY DEAR PREMIER,—

*Re Oriental Emigration*

I understand that your Government are likely during the present session, to promote legislation restricting the immigration into Canada of Orientals. You are also doubtless aware how objectionable Oriental immigration is to the province of British Columbia and that it is the policy of the British Columbia Government to prohibit as far as possible the employment of Orientals particularly in the mines and the forests, and that British Columbia has inserted in all timber licenses a clause prohibiting the employment of Orientals upon licensed timber lands. I am attaching for your information, copies of correspondence showing how Orientals are becoming interested in British Columbia timber, despite the attempts made to prevent them.

Yours very truly,

(Sgd.) JOHN OLIVER.



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Copy

*American Timber Holding Company*FIRST WISCONSIN NATIONAL BANK BLDG.,  
MILWAUKEE, WISCONSIN, December 7, 1922.Hon. P. Z. CAVERHILL,  
Chief Forester,  
Victoria, B.C.

DEAR SIR,—The enclosed descriptions are of licenses owned by Mr. C. Fukukawa located at 613 Metropolitan Building, 837 Hastings Street West, Vancouver, B.C., which descriptions you included in the list you sent us on November 29, covering levy to Forest Protection Fund of 3½ cents per acre on our holdings. We have written Mr. Fukukawa, and would suggest that you send him a statement of the amount due to the Forest Protection Fund from him.

I would also ask you to send to us a similar statement covering the licenses owned by the Fraser River Tannery, Limited, as the amount will be paid from this office. Please give this your immediate attention so that we can meet our payment by December 31st, and oblige,

Yours truly,

AMERICAN TIMBER HOLDING COMPANY,

GEO. A. WEST, *Secretary-Treasurer.*

## FORTY-TWO LICENSES OWNED BY C. FUKUKAWA

<i>T.L.</i>	<i>Acreage.</i>	<i>T.L.</i>	<i>Acreage.</i>
6170 .. .. .	629	6196 .. .. .	639
6171 .. .. .	640	6197 .. .. .	640
6172 .. .. .	640	6198 .. .. .	640
6173 .. .. .	640	6202 .. .. .	570
6174 .. .. .	629	6203 .. .. .	621
6175 .. .. .	640	6204 .. .. .	524
6176 .. .. .	612	6205 .. .. .	640
6177 .. .. .	626	6206 .. .. .	640
6178 .. .. .	640	6207 .. .. .	640
6179 .. .. .	634	6208 .. .. .	640
6180 .. .. .	606	6209 .. .. .	640
6182 .. .. .	619	6210 .. .. .	568
6183 .. .. .	640	6211 .. .. .	628
6184 .. .. .	605	6212 .. .. .	585
6185 .. .. .	551	6213 .. .. .	640
6189 .. .. .	640	6214 .. .. .	640
6190 .. .. .	640	6215 .. .. .	620
6191 .. .. .	613	6216 .. .. .	577
6193 .. .. .	640	6217 .. .. .	492
6194 .. .. .	640	6218 .. .. .	640
6195 .. .. .	635	12925 .. .. .	640

26,023 acres.

January 5, 1923.

*Memorandum for the Hon. the Minister of Lands*

DEAR MR. PATTULLO,—I am in receipt of yours of the 4th instant, enclosing copy of a letter received from the American Timber Holding Company, having reference to certain timber licenses apparently owned by a Japanese, but not standing in his name.



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I shall take this correspondence with me to Ottawa and there bring it to the attention of the Honourable the Premier.

Yours truly,

(Sgd.) JOHN OLIVER.

VICTORIA, BRITISH COLUMBIA, February 13, 1923.

The Right Honourable W. L. MACKENZIE KING, C.M.G.,  
Prime Minister,  
Ottawa.

SIR,—

*Re the Appeal of the Government of British Columbia and the Government of Alberta against the order of the Board of Railway Commissioners, dated June 30, 1922, and originally fixed for hearing on the 25th day of January, 1923.*

During my conversation with you on Saturday last, I understood that you were desirous of postponing the further hearing of the above appeal until the close of the present session of Parliament, for the following reasons:—

1. That owing to pressure of sessional and departmental duties, it is impossible for the Cabinet to give that continued and concentrated attention that the magnitude and importance of the appeal warrants and that its proper hearing would necessitate.

2. That the interest of British Columbia would probably be prejudiced by virtue of the fact that were a hearing insisted upon now, the time for the presentation of argument in favour of the appeal would necessarily be limited.

3. That it is your personal desire that the hearing of the appeal should take place at a time when you will be in a position, along with your colleagues, to give the appeal the undivided attention of the Cabinet, and to extend a hearing that will preclude the possibility of any or all of the parties to the appeal feeling that the appeal has not been given the fullest possible consideration.

Notwithstanding the fact that the delay will mean inconvenience and added expense and that the wrongs complained of are continuing, after discussing your suggestions with Mr. McGeer, who is acting counsel for the Province of British Columbia in this matter, and is also acting for the Province of Alberta, I am inclined to agree with your request upon the understanding that you will grant a hearing of the appeal immediately after the close of the present session, and that the hearing will be followed by an early decision.

This further hearing will necessitate our return to Ottawa, and I would ask that certain other matters of importance to the province of British Columbia be considered immediately following the close of the hearing of the appeal unless such matters have been considered and adjusted in the meantime. Namely:

1. The establishment of a Canadian Customs officer in the port of New York.
2. The establishment of a Merchant Marine Service between the ports of British Columbia and the ports of Montreal, St. John and Halifax.



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3. Supplemental to the work now decided upon consideration of the further development of Western Canadian trade routes and the assistance that may be extended by the Dominion Government to Pacific Coast ports for port and trade development.

4. Consideration of the opening up and the development of the Peace River country and Northern British Columbia.

5. The relationship of the Pacific Great Northern Railway to the Grand Trunk Pacific and Canadian Northern Pacific Railways, and the effect that Dominion Government legislation and resulting action has had on the said Pacific Great Eastern Railway, with a view to considering the taking over of the said Pacific Great Eastern Railway as a part of the Canadian National Railway system upon such terms as in all the circumstances shall be fair and reasonable, or, in the alternative, the extension of some measure of assistance to the Province of British Columbia for the purpose of securing the completion and operation of the undertaking.

6. The unfulfilled obligations of the Canadian National Railway Company to the Province of British Columbia as successor to the Canadian Northern Railway Company.

7. The ownership of foreshore lands in British Columbia and particularly foreshore lands in and about the City of Vancouver.

8. The completion of the dredging of the North Arm of the Fraser river to New Westminster.

9. The levying and collection of Dominion and Provincial revenues, directed with a view to more clearly defining the respective fields of taxation, and also directed with a view to the establishing a more economical method of the collection of such revenues.

10. The terms of union under which British Columbia entered Confederation, directed with a view to the adjustment of such terms so that the Province of British Columbia shall be in the Confederation on a basis of equity and justice along with the other Provinces of the Dominion.

Permit me to thank you for the kind and courteous consideration that you have extended to me during my visit to Ottawa, and to say to you that I hope it will not be too great an inconvenience for you to let me have an early reply to this letter, directed to me, c/o our counsel, Mr. G. G. McGreer, K.C., Chateau Laurier, and stating whether or not I have correctly understood you during our conference already referred to.

I sincerely trust you will be able to arrange for the fullest consideration of the matters referred to in this letter, and that it will be possible before my next visit to Ottawa for you to let me know whether or not there are any matters outlined herein that cannot be considered at the time requested.

I beg to remain,

Sincerely yours,

(Sgd.) JOHN OLIVER.



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OTTAWA, February 9, 1923.

*In the matter of the appeal of the Provinces of British Columbia and Alberta re  
Railway Transportation Rates*

To the Honourable W. L. MACKENZIE KING and Honourable  
Members of the Privy Council:

HONOURED SIRS,—During the hearing of the above appeal on the 3rd instant, the Hon. Mr. Fielding asked if British Columbia had protested against the Dominion legislation declaring the Canadian Northern Pacific Railway to be a work for the general advantage of Canada, I was unable to answer the question at the time but I am now able to state the Hon. Sir Richard McBride directed the attention of Sir Robert Borden to the fact that he proposed Dominion legislation would interfere with British Columbia's right under an agreement between the Province of British Columbia and the Canadian Northern Pacific Railway Company, this agreement being a statutory enactment of the Legislature of British Columbia and contained in a schedule to Chapter III, Statutes of British Columbia, 1910.

Sir Richard requested that provision should be made in the proposed Dominion legislation which would have the effect of retaining to the Province control of rates as provided by Provincial legislation. This request of Sir Richard McBride's was refused by Mr. Borden—copies of the communications passing on this subject as well as the date thereon, may be found in the 1914 Hansard at pages 4279 to 4283 inclusive. I would further observe that the agreement between the Government of British Columbia and the Canadian Northern Railway covering control of rates by the Province was statutory and that it was not competent for the Premier of the Province or for the Executive Council to in any way vary or interfere with such statutory agreement.

I am, sir,

Yours very truly,

(Sgd.) JOHN OLIVER.







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